

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Leonard Lanier

Plaintiff,

v.

Case No. 1:20cv770

Gary Lawson, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on October 15, 2020 (Doc. 5). Also before the Court is Plaintiff’s Motion for Assistance in Obtaining Counsel. (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 5) have been filed.

While Plaintiff has requested assistance in obtaining counsel, the appointment of counsel in a civil case “is not a constitutional right” and “is justified only by exceptional circumstances.” *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993) (quoting *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985)). Those circumstances do not exist here. Moreover, the Magistrate Judge has determined that Plaintiff’s complaint fails to state a claim and should be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). The appointment of counsel would not alter this conclusion. *Accord Adams v. Parker*, No. 19-6426, 2020 WL 5247952, at *3 (6th Cir. June 29, 2020) (“In any event, the appointment of counsel would not alter the substance of their allegations, which did not set forth an actionable Eighth Amendment

violation.”).

Accordingly, it is **ORDERED** that the R&R (Doc. 5) of the Magistrate Judge is hereby **ADOPTED**; and Plaintiff’s Motion for Assistance in Obtaining Counsel (Doc. 4) is **DENIED**. Consistent with the recommendation by the Magistrate Judge, plaintiff’s complaint (Doc. 3) is **DISMISSED** with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of any Order adopting the Report and Recommendation would not be taken in good faith and therefore denies plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court